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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

OpBiz, LLC D/B/A Planet Hollywood
Resort & Casino, a Nevada Limited
Liability Corporation,

Plaintiff,

v.

Unister GmbH, an entity of unknown origin,

Defendant.

Case No. 2:09-cv-2192-KJD-RJJ

DEFAULT JUDGMENT

Plaintiff OpBiz, LLC D/B/A Planet Resort & Casino, LLC ("PHRC"), having filed a Motion for Entry of Default Judgment against Defendant Unister GmbH pursuant to Rule 55 of the Federal Rules of Civil Procedure; the Defendant having failed to respond to, or answer, Plaintiff's Complaint previously served upon Defendant; the Clerk of the Court having entered Default against Defendant on February 24, 2010; this Court having now given due consideration to Plaintiff's Motion for such judgment as well as papers, pleadings, and exhibits offered in support thereof; and the Court being further fully advised in the matter and there having been no appearance made by Defendant, it is therefore,

ORDERED, ADJUDGED and DECREED that Judgment be entered in favor of Plaintiff PHRC, and against Defendant Unister GmbH, on all counts of Plaintiff's Complaint; and, it is further ordered and adjudged that said Judgment shall include the following specific findings of fact and award of specific relief:

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- 1 a. Plaintiff PHRC is the owner of certain Planet Hollywood trademarks and
- 2 variations thereof used in relation to hotel and travel reservation services as
- 3 identified in the Complaint;
- 4 b. Plaintiff PHRC's Planet Hollywood marks are famous;
- 5 c. Defendant registered and used the Infringing Domain Name <planet-
- 6 hollywood-resort.com> with the bad faith intent to profit from its use of
- 7 Plaintiff's marks;
- 8 d. Defendant provided travel and hotel services at the website, which was
- 9 accessible through Defendant's Infringing Domain Name at <planet-
- 10 hollywood-resort.com>.
- 11 e. Plaintiff and Defendant are competitors and the respective services offered by
- 12 each are similar;
- 13 f. Defendant's use of the term Planet Hollywood in connection with its services
- 14 is likely to cause confusion as to the source and origin of Defendant's
- 15 services;
- 16 g. Defendant's use of the term Planet Hollywood in connection with its services
- 17 has and is likely to continue to cause dilution of Plaintiff PHRC's Planet
- 18 Hollywood marks;
- 19 h. Should Defendant's use of the term Planet Hollywood continue, Plaintiff will
- 20 continue to suffer irreparable injury to its good will and reputation which was
- 21 established through use of the Planet Hollywood marks and for which an
- 22 award of damages would be inadequate.
- 23 i. Should Defendant's use of the term Planet Hollywood continue, Plaintiff will
- 24 continue to suffer irreparable injury as the Planet Hollywood marks will lose
- 25 their capacity to identify its goods and services; i.e., they will be diluted, for
- 26 which an award of damages would be inadequate;
- 27 j. Defendant acted willfully in its infringement and dilution of PHRC's Planet
- 28 Hollywood marks; and

1 k. Defendant is liable for its infringement, dilution, unfair competition and
2 cybersquatting.

3 THEREFORE, IT IS HEREBY ORDERED that the Defendant Unister GmbH, its
4 respective officers, agents, servants, employees, and/or all persons acting in concert or
5 participation with it, (1) from using Plaintiff's trademarks or confusingly similar variations
6 thereof, alone or in combination with any other letters, words, letter strings, phrases or
7 designs, in commerce or in connection with any business or for any other purpose
8 (including, but not limited to, on web sites and in domain names); and (2) from registering,
9 owning, leasing, selling or trafficking in any domain name containing Plaintiff's trademarks
10 or confusingly similar variations thereof, alone or in combination with any other letters,
11 words, phrases or designs;

12 IT IS FURTHER ORDERED that the current registrar of the <planet-hollywood-
13 resort.com> domain name shall immediately unlock and permanently transfer the <planet-
14 hollywood-resort.com> domain name to Plaintiff;

15 IT IS FURTHER ORDERED that the corresponding registry, Verisign, shall be
16 required under 15 U.S.C. § 1125 (d)(2)(D)(i) to change the registrar of record for the
17 domain name <planet-hollywood-resort.com> to Tucows, Inc., which will subsequently
18 permanently transfer the <planet-hollywood-resort.com> domain name to Plaintiff;

19 IT IS FURTHER ORDERED that Defendant pay Plaintiff \$1,000 in nominal damages
20 for corrective advertising;

21 IT IS FURTHER ORDERED that Defendant pay Plaintiff statutory damages of
22 \$100,000;

23 IT IS FURTHER ORDERED that Defendant pay Plaintiff's attorneys' fees and costs
24 in the amount of \$4,000;

25 IT IS FURTHER ORDERED that Plaintiff's cash deposit of One Hundred Dollars
26 (\$100.00) be released from the Registry Account of this Court and returned to Greenberg
27 Traurig.

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1 IT IS FURTHER ORDERED that jurisdiction of this case shall be retained by this
2 Court for the purpose of enforcement of this Judgment.



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5 UNITED STATES DISTRICT JUDGE

6 Submitted by: 3/16/2010
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9 GREENBERG TRAURIG, LLP
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